

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

IN RE:

CASE NO. 15-80482 JJG-13

JIMMY LEE HOUSLEY, SR., and
SHERRI LYNN HOUSLEY,
Debtor(s).

TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN
AND NOTICE OF OBJECTION DEADLINE

Donald L. Decker, the Standing Trustee, requests the Chapter 13 Plan be modified and in support thereof states:

1. The Debtors filed the Chapter 13 bankruptcy on June 18, 2015. On January 25, 2016, the Debtors' amended Plan was confirmed by this Court.
2. The confirmed plan provided for the payment of post-petition monthly mortgage payments and pre-petition arrearage as follows:
 - A. Goldman Sachs Mortgage Company/Rushmore Loan Management Services
Property address: 7518 Wabash Ave, Terre Haute, Indiana
Monthly mortgage payment: \$862.78
Pre-petition arrearage: \$28,443.50
 - B. Deutsche Bank National Trust Company, as Trustee
Property address: 7522 Wabash Ave, Terre Haute, Indiana
Monthly mortgage payment: \$458.87 for July 2015 and \$458.21 beginning August 2015
Pre-petition mortgage payment: \$9,915.77
3. Elements Financial Credit Union filed secured claims as follows:
 - Claim #6 contending a security interest in one 2008 GMC Denali in the amount of \$316.96.
 - Claim #7 contending a security interest in one 2009 Harley Davidson in the amount of \$880.81.

Both claims were allowed as filed.

4. The Internal Revenue Service filed its priority claim in the amount of \$767.31. The Indiana Department of Revenue filed its priority claim in the amount of \$136.72.
5. Rushmore Loan Servicing filed its Notice of Payment Change noting a monthly payment of \$950.68 effective March 2017.
6. The Debtors are delinquent in plan payments to the Trustee to the extent of \$1,425.00 through May 31, 2018.
7. The Trustee avers that in Order to pay ongoing monthly mortgage payments, the balances on the pre-petition arrearage claims, and cure the delinquency in plan payments it is necessary to modify the Debtors' confirmed plan. The proposed payment schedule is as follows:

Payment amount:	\$75,760.00 paid through May 2018 \$2,525.00 per month for the remaining 25 months beginning June 2018
Plan term:	60 months
Plan base:	\$138,885.00

WHEREFORE, the Chapter 13 Trustee requests that this Court inquire into the matters herein raised, hold a hearing dealing with the issues herein raised, or enter such orders and require such further inquiry as may appear appropriate to the Court.

NOTICE: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to enter an order modifying the plan, or if you want the court to consider your views on the motion, then on or before **July 9, 2018** (21 days from the date of service), you or your attorney must file with the court a written objection explaining your position.

Those not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

352 Federal Bldg
101 NW M.L. King Jr. Blvd.
Evansville, IN 47708

If you mail your objection to the court, you must mail it early enough so the court will **receive** it on or before the date stated above.

If you or your attorney do not take these steps, the court may decide that you do not oppose an order modifying the plan, and may enter an order granting that relief.

Dated: June 18, 2018

/s/ Donald L. Decker
Donald L. Decker, Chapter 13 Trustee
P.O. Box 9237
Terre Haute, IN 47808-9237
Phone: (812) 234-2600
Fax: (812) 234-2666
E-mail: ddecker@decker13trustee.com

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2018, a copy of the foregoing Trustee's Motion to Modify Chapter 13 Plan and Notice of Objection Deadline was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

Rowdy G. Williams Law Firm, bk@rowdywilliams.com
U.S. Trustee, ustpregion10.in.ecf@usdoj.gov

I further certify that on June 18, 2018, a copy of the foregoing Trustee's Motion to Modify Chapter 13 Plan and Notice of Objection Deadline was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

Jimmy and Sherri Housley
7518 Wabash Ave
Terre Haute, IN 47803-3959

/s/ Donald L. Decker
Donald L. Decker